

REMARKS

Claims 2-21, 23-34, 36-45 are currently pending.

Claim rejections under 35 U.S.C. § 103(a)

With respect to the rejections of claims 2-8, 12, 13 and 40-45 based on 35 U.S.C. § 103(a) as being unpatentable over Scarne's New Complete Guide to Gambling in view of Banyai (US 2001/0034262), reconsideration is respectfully requested on the following grounds:

Since it is admitted in the Office Action (e.g., page 4, lines 7-9) that Scarne does not teach all limitations of the claimed invention, the Applicant focuses on Banyai and those limitations that are absent from Scarne according to the Office Action: "ending said participation game for all of said plurality of players by preventing association of said current draw result with a further play request".

Banyai describes a game wherein players are provided with tickets bearing numbers ("assigning to each player a first plurality of designations", paragraph [0018]). The game is played in rounds, during which groups of winning numbers are drawn. Accordingly, after each player has been assigned a card (i.e., a first plurality of designations), a first group of winning numbers is drawn (i.e., the drawn designations of paragraph [0019]) and compared to the players' tickets. A prize is paid to each player whose numbers match winning numbers (paragraph [0020]) upon which the game ends. If no player has managed to match all his numbers to winning numbers, a new group of winning numbers is drawn and, along with the winning numbers of the first round, compared to the players' tickets. Then, a prize is paid to each player whose numbers match winning numbers (paragraph [0022]). The game may end at this moment regardless of whether at least one player has managed to match all his numbers or not, or it may continue for another round.

Paragraph [0042] explains how the second round is played: "The players' assigned numbers for each card are compared to the balls as drawn [...] and if four assigned numbers on a player's card match the numbers drawn at any such point a prize is paid from the game pool, at which point the game is over for that card."

Accordingly, even if a player has won, the game goes on for the other cards/players until the end of the round and thus, “association of said current draw result with a further play request” occurs. This is exactly the opposite of the claim language.

The vocabulary used by Banyai also indicates that the invention does not teach a game ending as soon as a player has matched all his numbers: the use of the word “each” in both paragraphs [0020] and [0022] indicates that in Banyai there may be more than one winner. The word “each”, further accompanied by the description of paragraph [0021], implies that the game does not end upon occurrence of an ending game state based on comparison of the players’ numbers and the drawn winning numbers, but rather upon occurrence of an ending game state based in part on the comparison and in part on the predetermined number of numbers to draw during this round.

Moreover, in Banyai’s game, the game may end without any winner (Figure 1, item **32**, paragraph [0044]). In Banyai, a player is determined as being a winner when all his numbers match drawn winning numbers; the absence of a winner means that no player has matched those numbers. Since the interpretation of Banyai found in the Office Action seems to determine that the game ending state consists in a player matching all his numbers, the game ending state would not have occurred when the game ends. According to this interpretation, the game ending state would not be mandatory for the game to end. Claim 41 states that “if said game ending state is not achieved, maintaining said current draw result in its current form thereby having said current draw result remaining composed of a constant amount of said numbers, and associating said current draw result with a further play request”. Accordingly, Banyai does not teach the claim limitation wherein “associating [of] said current draw result with a further play request” is prevented only if “the game ending state is achieved” and thus, if applied to Banyai, only when a player has matched all his numbers.

The Applicant also submits that the example illustrated in Paragraph [0042] does not change the rule explained in paragraph [0020] that the prize is paid after the end of the draw of the first group of numbers. Since the number of drawn numbers corresponds to the number of numbers borne on the cards, one could try to interpret it as teaching that the game ends as soon as a player wins, but the Applicant points out that this

interpretation is born from hindsight and would be contrary to the general rule stated in paragraph [0020].

Consequently, since Banyai teaches a game wherein more than one winner may be established, wherein the game may end without any winner and wherein the winner(s) is(are) established at the end of a round and not as soon as they match all their numbers, the Applicant submits that Banyai does not teach the claimed limitation “if said game ending state is achieved, ending said participation game for all of said plurality of players by preventing association of said current draw result with a further play request”.

Also, the Applicant submits that it would not have been obvious at the time of the invention to combine a game wherein the winning result of a player has no effect on the availability of winning of other players (as in Scarne) with a game wherein winning outcomes are evaluated individually throughout each round of the game and then globally at the end (end of game if at least one player has matched his numbers with drawn winning numbers at the end of the round, as in Banyai, and not as soon as a player has matched his numbers) to reach the claimed invention. In fact, both these prior art documents describe games that may be played over a period of time, without any need of absolute simultaneity.

The Applicant submits that modifying games that may be played in rounds, over a period of time, between players that do not need to be connected and wherein players in fact play against the game and not against each other (may have many winners) to make a game that needs to be played in a simultaneous manner and offers a real competition between players (the determination of a winner triggers the end of the game and thus the non-winning of all other players) would not have been obvious for a person of ordinary skill in the art at the time the invention was made. The Applicant believes that the invention is not a mere technological application of the combination of Scarne and Banyai but is rather an inventive evolution of numbers games that happens to be played in an electronic manner to facilitate and accelerate the game.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims deemed allowable by the Applicant or are

deemed allowable by the Applicant according to the same arguments as discussed claims and thus should also be found allowable.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 2 to 21, 23 to 34, and 36 to 45 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Gerald Duhamel

By:

/C. Marc Benoit/
C. Marc Benoît
(Reg. No. 50,200)
Agent of Record
Benoît & Côté, s.e.n.c.
Tel: (514) 658-4844